

AMENDED IN SENATE JANUARY 5, 2004

SENATE BILL

No. 115

Introduced by Senator Torlakson

February 3, 2003

~~An act to amend Section 11010 of the Business and Professions Code, and to amend Section 1353 of, and to add Section 1102.175 to, the Civil Code, relating to real property. An act to add Section 1947.3 to the Civil Code, relating to landlord and tenant.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 115, as amended, Torlakson. ~~Real property—Landlord and tenant: rent payments.~~

Existing law regulates the relationship between landlord and tenant and the terms and conditions of tenancies. Existing law requires a tenant to pay rent as it successively becomes due.

This bill would require a landlord to accept a money order from any tenant for the payment of rent or a security deposit, as specified.

~~Existing law requires that any person who intends to offer subdivided lands for sale or lease to file with the Department of Real Estate a notice of intention containing specified information about the subdivided lands and the proposed offering. The violation of this requirement is a crime. Existing law requires the seller of residential real property to provide disclosure of certain information about that real property. Existing law, relating to common interest developments, requires the declaration to be recorded containing a legal description of the development, along with specified information.~~

~~This bill would require those documents to include a written statement or map from the city or county planning department that~~

indicates the zoning, including the permitted housing densities, of all lands within $\frac{1}{4}$ mile of the exterior boundary of the real property.

~~This bill would, by creating a new crime, impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~—no. State-mandated local program: ~~yes~~—no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 11010 of the Business and Professions~~

2 *SECTION 1. Section 1947.3 is added to the Civil Code, to*
3 *read:*

4 *1947.3. Notwithstanding any agreement to the contrary, a*
5 *landlord shall accept a money order from any tenant for the full or*
6 *partial payment of rent or a security deposit, so long as that money*
7 *order, as described in paragraph (1) of subdivision (a) of Section*
8 *33059 of the Financial Code, is issued by an entity authorized to*
9 *issue payment instruments pursuant to Division 16 (commencing*
10 *with Section 33000) of the Financial Code.*

11 ~~Code is amended to read:~~

12 ~~11010. (a) Except as otherwise provided pursuant to~~
13 ~~subdivision (c) or elsewhere in this chapter, any person who~~
14 ~~intends to offer subdivided lands within this state for sale or lease~~
15 ~~shall file with the Department of Real Estate an application for a~~
16 ~~public report consisting of a notice of intention and a completed~~
17 ~~questionnaire on a form prepared by the department.~~

18 ~~(b) The notice of intention shall contain the following~~
19 ~~information about the subdivided lands and the proposed offering:~~

20 ~~(1) The name and address of the owner.~~

21 ~~(2) The name and address of the subdivider.~~

22 ~~(3) The legal description and area of lands.~~

23 ~~(4) A true statement of the condition of the title to the land,~~
24 ~~particularly including all encumbrances thereon.~~

1 ~~(5) A true statement of the terms and conditions on which it is~~
2 ~~intended to dispose of the land, together with copies of any~~
3 ~~contracts intended to be used.~~

4 ~~(6) A true statement of the provisions, if any, that have been~~
5 ~~made for public utilities in the proposed subdivision, including~~
6 ~~water, electricity, gas, telephone, and sewerage facilities. For~~
7 ~~subdivided lands that were subject to the imposition of a condition~~
8 ~~pursuant to subdivision (b) of Section 66473.7 of the Government~~
9 ~~Code, the true statement of the provisions made for water shall be~~
10 ~~satisfied by submitting a copy of the written verification of the~~
11 ~~available water supply obtained pursuant to Section 66473.7 of the~~
12 ~~Government Code.~~

13 ~~(7) A true statement of the use or uses for which the proposed~~
14 ~~subdivision will be offered.~~

15 ~~(8) A true statement of the provisions, if any, limiting the use~~
16 ~~or occupancy of the parcels in the subdivision.~~

17 ~~(9) A true statement of the amount of indebtedness that is a lien~~
18 ~~upon the subdivision or any part thereof, and that was incurred to~~
19 ~~pay for the construction of any onsite or offsite improvement, or~~
20 ~~any community or recreational facility.~~

21 ~~(10) A true statement or reasonable estimate, if applicable, of~~
22 ~~the amount of any indebtedness which has been or is proposed to~~
23 ~~be incurred by an existing or proposed special district, entity,~~
24 ~~taxing area, assessment district, or community facilities district~~
25 ~~within the boundaries of which, the subdivision, or any part~~
26 ~~thereof, is located, and that is to pay for the construction or~~
27 ~~installation of any improvement or to furnish community or~~
28 ~~recreational facilities to that subdivision, and which amounts are~~
29 ~~to be obtained by ad valorem tax or assessment, or by a special~~
30 ~~assessment or tax upon the subdivision, or any part thereof.~~

31 ~~(11) (A) As to each school district serving the subdivision, a~~
32 ~~statement from the appropriate district that indicates the location~~
33 ~~of each high school, junior high school, and elementary school~~
34 ~~serving the subdivision, or documentation that a statement to that~~
35 ~~effect has been requested from the appropriate school district.~~

36 ~~(B) In the event that, as of the date the notice of intention and~~
37 ~~application for issuance of a public report are otherwise deemed~~
38 ~~to be qualitatively and substantially complete pursuant to Section~~
39 ~~11010.2, the statement described in subparagraph (A) has not been~~
40 ~~provided by any school district serving the subdivision, the person~~

1 ~~who filed the notice of intention and application for issuance of a~~
2 ~~public report shall immediately provide the department with the~~
3 ~~name, address, and telephone number of that district.~~

4 ~~(12) A statement or map from the affected city or county~~
5 ~~planning department that indicates the zoning, including the~~
6 ~~permitted housing densities, of all lands within one-quarter mile~~
7 ~~of the exterior boundary of the proposed subdivision.~~

8 ~~(13) (A) The location of all existing airports, and of all~~
9 ~~proposed airports shown on the general plan of any city or county,~~
10 ~~located within two statute miles of the subdivision. If the property~~
11 ~~is located within an airport influence area, the following statement~~
12 ~~shall be included in the notice of intention:~~

13
14 NOTICE OF AIRPORT IN VICINITY

15
16 ~~——— This property is presently located in the vicinity of an airport,~~
17 ~~within what is known as an airport influence area. For that reason, the~~
18 ~~property may be subject to some of the annoyances or inconveniences~~
19 ~~associated with proximity to airport operations (for example: noise,~~
20 ~~vibration, or odors). Individual sensitivities to those annoyances can vary~~
21 ~~from person to person. You may wish to consider what airport~~
22 ~~annoyances, if any, are associated with the property before you complete~~
23 ~~your purchase and determine whether they are acceptable to you.~~

24
25 ~~(B) For purposes of this section, an “airport influence area,”~~
26 ~~also known as an “airport referral area,” is the area in which~~
27 ~~current or future airport-related noise, overflight, safety, or~~
28 ~~airspace protection factors may significantly affect land uses or~~
29 ~~necessitate restrictions on those uses as determined by an airport~~
30 ~~land use commission.~~

31 ~~(14) A true statement, if applicable, referencing any soils or~~
32 ~~geologic report or soils and geologic reports that have been~~
33 ~~prepared specifically for the subdivision.~~

34 ~~(15) A true statement of whether or not fill is used, or is~~
35 ~~proposed to be used in the subdivision and a statement giving the~~
36 ~~name and the location of the public agency where information~~
37 ~~concerning soil conditions in the subdivision is available.~~

38 ~~(16) Any other information that the owner, his or her agent, or~~
39 ~~the subdivider may desire to present.~~

1 ~~(c) The commissioner may, by regulation, or on the basis of the~~
2 ~~particular circumstances of a proposed offering, waive the~~
3 ~~requirement of the submission of a completed questionnaire if the~~
4 ~~commissioner determines that prospective purchasers or lessees of~~
5 ~~the subdivision interests to be offered will be adequately protected~~
6 ~~through the issuance of a public report based solely upon~~
7 ~~information contained in the notice of intention.~~

8 SEC. 2.—Section 1102.175 is added to the Civil Code, to read:

9 1102.175. On and after January 1, 2004, the seller of
10 residential real property subject to this article shall provide a
11 prospective purchaser with a written statement or map from the
12 affected city or county planning department that indicates the
13 zoning, including the permitted housing densities, of all lands
14 within one-quarter mile of the exterior boundary of the residential
15 real property.

16 SEC. 3.—Section 1353 of the Civil Code is amended to read:

17 1353. (a) (1) A declaration, recorded on or after January 1,
18 1986, shall contain a legal description of the common interest
19 development, and a statement that the common interest
20 development is a community apartment project, condominium
21 project, planned development, stock cooperative, or combination
22 thereof. The declaration shall additionally set forth the name of the
23 association and the restrictions on the use or enjoyment of any
24 portion of the common interest development that are intended to
25 be enforceable equitable servitudes. The declaration shall include
26 a statement or map from the affected city or county planning
27 department that indicates the zoning, including the permitted
28 housing densities, of all lands within one-quarter mile of the
29 exterior boundary of the common interest development. If the
30 property is located within an airport influence area, a declaration,
31 recorded after January 1, 2004, shall contain the following
32 statement:

33



NOTICE OF AIRPORT IN VICINITY

~~———— This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.~~

~~(2) For purposes of this section, an “airport influence area,” also known as an “airport referral area,” is the area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses as determined by an airport land use commission.~~

~~(3) The statement in a declaration acknowledging that a property is located in an airport influence area does not constitute a title defect, lien, or encumbrance.~~

~~(b) The declaration may contain any other matters the original signator of the declaration or the owners consider appropriate.~~

~~SEC. 4.— No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~